

(b) The analysis of such chapter is amended by inserting, immediately after and underneath item 1506, as contained in such analysis, the following new item: "1507. Picketing or parading."

SEPARABILITY OF PROVISIONS

SEC. 32. If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

TITLE II—EMERGENCY DETENTION

Emergency Detention Act of 1950.

SHORT TITLE

SEC. 100. This title may be cited as the "Emergency Detention Act of 1950".

FINDINGS OF FACT AND DECLARATION OF PURPOSE

SEC. 101. As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress hereby finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist

*Repealed*  
*25 Sept 1971*

totalitarian dictatorship. Although such Communist organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(11) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, war, or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide

for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States.

DECLARATION OF "INTERNAL SECURITY EMERGENCY"

SEC. 102. (a) In the event of any one of the following:

(1) Invasion of the territory of the United States or its possessions,

(2) Declaration of war by Congress, or

(3) Insurrection within the United States in aid of a foreign enemy,

and if, upon the occurrence of one or more of the above, the President shall find that the proclamation of an emergency pursuant to this section is essential to the preservation, protection and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an "Internal Security Emergency".

(b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

DETENTION DURING EMERGENCY

SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to the provisions of this title, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage.

(b) Any person detained hereunder (hereinafter referred to as "the detainee") shall be released from such emergency detention upon—

(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

(2) an order of release issued by the Attorney General;

(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

(4) a final order of release by a United States court, after review of the action of the Board of Detention Review, or upon a writ of habeas corpus.

Release of "detainee".

for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States.

#### DECLARATION OF "INTERNAL SECURITY EMERGENCY"

Sec. 102. (a) In the event of any one of the following:

- (1) Invasion of the territory of the United States or its possessions,
- (2) Declaration of war by Congress, or
- (3) Insurrection within the United States in aid of a foreign enemy,

and if, upon the occurrence of one or more of the above, the President shall find that the proclamation of an emergency pursuant to this section is essential to the preservation, protection and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an "Internal Security Emergency".

(b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

#### DETENTION DURING EMERGENCY

Sec. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to the provisions of this title, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage.

(b) Any person detained hereunder (hereinafter referred to as "the detainee") shall be released from such emergency detention upon—

- (1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;
- (2) an order of release issued by the Attorney General;
- (3) a final order of release after hearing by the Board of Detention Review, hereinafter established;
- (4) a final order of release by a United States court, after review of the action of the Board of Detention Review, or upon a writ of habeas corpus.

Release of "detainee".

## PROCEDURE FOR APPREHENSION AND DETENTION

Issuance of warrant, etc.

SEC. 104. (a) The Attorney General, or such officer or officers of the Department of Justice as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage; and

(2) an application for an order to be issued pursuant to subsection (d) of this section for the detention of such person for the duration of such emergency.

Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

(b) Warrants for the apprehension of persons under this title shall be served and apprehension of such persons shall be made only by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension shall be furnished to any person apprehended under this title.

Confinement.

(c) Persons apprehended or detained under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

Preliminary hearing.

(d) Within forty-eight hours after apprehension, or as soon thereafter as provision for it may be made, each person apprehended pursuant to this section shall be taken before a preliminary hearing officer appointed pursuant to the provisions of this section. Such hearing officer shall inform such person (1) of the grounds upon which application was made for his detention, (2) of his right to retain counsel, (3) of his right to have a preliminary examination, (4) of his right to refrain from making any statement, and (5) of the fact that any statement made by him may be used against him. Such hearing officer shall allow such person reasonable time and opportunity to consult counsel. If such person waives preliminary examination, the hearing officer shall forthwith issue an order for the detention of such person, and furnish to him a copy of such order. If such person does not waive examination, the preliminary hearing officer shall hear evidence within a reasonable time. Such person may introduce evidence in his own behalf, and may cross-examine witnesses against him, except that the Attorney General or his representative shall not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge. Such hearing officer shall record all evidence offered by or on behalf of such person and all objections made by such person to his detention. If from the evidence it appears to the preliminary hearing officer that there is probable cause for the detention of such person pursuant to this title, such hearing officer shall forthwith issue an order for the detention of such person, furnish to him a copy of such order, and advise such person of his right to file with the Detention Review Board established by this title a petition for the review of such order. If from the evidence it appears to the preliminary hearing officer that probable cause for the detention of such person has not been shown, such officer shall issue an order discharging such person from detention, and shall furnish a copy of such order to such person. Upon the entry of such order, such person shall be released from custody by the Attorney General.

Issuance of discharging order.

and by any subordinate officer or employee of the United States having custody of such person. Within seven days after the entry of any such order, the preliminary hearing officer shall prepare and transmit to the Attorney General, or such other officer as may be designated by him, (1) a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether any order issued for the detention of such person shall be continued in effect or revoked, and (2) any additional written representations or evidence which the detainee or his legal counsel may wish to file with the Attorney General. A copy of such report shall be served promptly upon the detainee or his legal counsel. Preliminary hearing officers may be appointed by the President, without regard to the civil service laws but subject to the Classification Act of 1949, in such numbers, and may serve at such places, as may be necessary for the expeditious consideration of cases involving persons apprehended pursuant to this section. No person who has, within the three years preceding the date of his appointment, served as an officer or employee of the Department of Justice shall be appointed as a preliminary hearing officer.

Report to Attorney General, etc.

(e) The Attorney General, or such other officers of the Department of Justice as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

Appointment of preliminary hearing officers.

62 Stat. 951.  
5 U. S. C., Sup. III,  
§ 1071 note.  
*Ancte*, pp. 232, 262;  
*post*, p. 1100.

(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible consistent with national security, the evidence supporting a finding of reasonable ground for detention in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States.

Modification of detaining order.

Presentation of evidence.

(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary to promote the effective administration of this title. No such regulation shall require or permit persons detained under the provisions of this title to perform forced labor, or any tasks not reasonably associated with their own comfort and well-being, or to be confined in company with persons who are confined pursuant to the criminal laws of the United States or of any State.

Regulations.

(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this title.

Bimonthly reports during emergency.

#### DETENTION REVIEW BOARD

Sec. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the "Board") which shall consist of nine members, not more than five of whom shall

## Chairman.

be members of the same political party, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of one year each, three for terms of two years each, and three for terms of three years each, but their successors shall be appointed for terms of three years each, subject to termination of the term upon expiration of this title, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

## Divisions.

(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

## Seal.

(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

## Annual report.

(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President shall within a reasonable time dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

## Salaries, etc.

SEC. 106. (a) Each member of the Board shall receive a salary of \$12,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

## Expenses.

(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be paid out of appropriations made therefor, and there are hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for that purpose.

## Principal office.

SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may conduct any hearing necessary to its functions in any part of the United States.

60 Stat. 237.  
5 U.S.C. § 1001 note;  
sup. III, § 1001.

SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to

carry out the provisions of this title. All procedures of the Board shall be subject to the applicable provisions of the Administrative Procedure Act.

SEC. 109. (a) Any Board created under this title is empowered— ✓ Powers.

(1) to review upon petition of any detainee any order of detention issued pursuant to section 104 (d) of this title;

*Ante, p. 1022.*

(2) to determine whether there is reasonable ground to believe that such detainee probably will engage in, or conspire with others to engage in, espionage or sabotage;

(3) to issue orders confirming, modifying, or revoking any such order of detention; and

(4) to hear and determine any claim made pursuant to this paragraph by any person who shall have been detained pursuant to this title and shall have been released from such detention, for loss of income by such person resulting from such detention if without reasonable grounds. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

(b) Whenever a petition for review of an order for detention issued pursuant to section 104 (d) of this title or for indemnification pursuant to the preceding subsection shall have been filed with the Board in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the petitioner and the Attorney General at a place therein fixed, not less than fifteen days after the serving of said notice and not more than forty-five days after the filing of such petition.

Hearing.  
*Ante, p. 1023.*

(c) In any case arising from a petition for review of an order for detention issued pursuant to section 104 (d) of this title, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

Subpoenas, etc.

(d) (1) Any member of the Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner of the Board may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Serving of process,  
etc.

(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

Witness fees and  
mileage.

(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

Counsel, etc.

(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

Consideration  
of evidence.

(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine adverse witnesses.

(g) In any proceeding before the Board under this title the Board and its hearing examiners are authorized to consider under regulations designed to protect the national security any evidence of Government agencies and officers the full text or content of which cannot be publicly revealed for reasons of national security, but which the Attorney General in his discretion offers to present. The testimony taken before the Board or its hearing examiners shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

(h) In deciding the question of the existence of reasonable ground to believe a person probably will engage in or conspire with others to engage in espionage or sabotage, the Attorney General, any preliminary hearing officer, and the Board of Detention Review are authorized to consider evidence of the following:

(1) Whether such person has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, and whether such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insu-

lar possessions, or whether such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or whether, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies and such disclosure has been made a matter of record in the files of the agency concerned;

(2) Any past act or acts of espionage or sabotage committed by such person, or any past participation by such person in any attempt or conspiracy to commit any act of espionage or sabotage, against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States;

(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government.

(i) The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in the previous subsection shall not be construed as a direction to detain any person as to whom such evidence exists, but in each case the Attorney General or the Board of Detention Review shall decide whether, on all the evidence, there is reasonable ground to believe the detainee or possible detainee probably will engage in, or conspire with others to engage in, espionage or sabotage.

(j) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

Evidence of income lost by claimant.

#### ORDERS OF THE BOARD

SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued pursuant to section 104 (d) of this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking the order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody; and shall forthwith serve a copy of such order upon the detainee.

Revocation of order of detention.  
*Anote, p. 1022.*

(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity; and shall forthwith serve a copy of such order upon such claimant. If upon all the testimony taken in any proceeding involving a claim for indemnity or for the ascertain-

Claim for indemnity.

ment of any such claim, the Board shall determine that the claimant is not entitled to receive such indemnity, the Board shall state its finding of fact in sufficient detail to apprise the claimant of the grounds for its decision and shall issue and serve upon the claimant an order denying such claim and dismissing his petition so far as it pertains to such claim.

Order confirming  
order of detention.

(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact in sufficient detail to apprise the detainee of the grounds for its decision and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

Recommended  
order.

(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

#### JUDICIAL REVIEW

SEC. 111. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

Order granting in-  
demnity.

(b) In the case of any order of the Board granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

Filing of petition,  
etc.

(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review or enforcement in any United States court of appeals for the circuit wherein the petitioner is detained or resides by filing in such court within sixty days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of sixty days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered, the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon

which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by reliable, substantial, and probative evidence, shall be conclusive.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by reliable, substantial, and probative evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

Additional evidence.

(e) The commencement of proceedings by the Attorney General for judicial review under subsection (b) of this section shall, if he so requests, operate as a stay of the Board's order.

62 Stat. 928.  
28 U. S. C., Sup. III,  
§ 1254.

(f) Any order of the Board shall become final—

Finality of order.

(1) upon the date of entry thereof by the Board, if such order is not subject to judicial review; or

(2) upon the expiration of the time allowed for filing a petition for review or enforcement, if such order is subject to judicial review and no such petition has been duly filed within such time; or

(3) upon the expiration of the time allowed for filing a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

(4) upon the denial of a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

(5) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such order is subject to judicial review and such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

(g) Nothing contained in this section shall be construed to deprive any person of any relief to which he may be entitled under the Administrative Procedure Act.

60 Stat. 237.  
5 U. S. C. § 1001 note;  
Sup. III, § 1001.

#### CRIMINAL PROVISIONS

SEC. 112. Whoever, being named in a warrant for apprehension or order of detention as one as to whom there is reasonable ground to believe that he probably will engage in, or conspire with others to engage in, espionage or sabotage, or being under confinement or detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape or conspire with others to escape from confinement or detention ordered

Attempt to escape,  
etc.

and instituted pursuant to this title, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

SEC. 113. Whoever knowingly—

(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person probably will engage in, or conspire with others to engage in espionage or sabotage; or

(b) advises, aids, assists, or procures the escape from confinement or detention pursuant to this title of any person so named; or

(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such confinement or detention; or

(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

DEFINITION

"Espionage."

62 Stat. 736, 798.  
18 U. S. C., Sup. III,  
§§ 791-797, 2151-2156.  
*Ante*, p. 1003.

SEC. 115. For the purposes of this title, the term "espionage" means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this Act, and the term "sabotage" means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this Act.

SEPARABILITY OF PROVISIONS

SEC. 116. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby. Nothing contained in this title shall be construed to suspend or to authorize the suspension of the privilege of the writ of habeas corpus.

SAM RAYBURN  
*Speaker of the House of Representatives.*

ALBEN W. BARKLEY  
*Vice President of the United States and  
President of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, U. S.

September 22, 1950.

The House of Representatives having proceeded to reconsider the bill (H. R. 9490) entitled "An Act to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

64 STAT.] 81st CONG., 2d SESS.—CHS. 1024-1026—SEPT. 23, 25, 1950

1031

*Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

RALPH R ROBERTS  
*Clerk.*

I certify that this Act originated in the House of Representatives.

RALPH R ROBERTS  
*Clerk.*

IN THE SENATE OF THE UNITED STATES,  
*September 23 (legislative day, September 22), 1950.*

The Senate having proceeded to reconsider the bill (H. R. 9490) entitled "An Act to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

LESLIE L BIFFLE  
*Secretary.*

[CHAPTER 1025]

AN ACT

To authorize the Secretary of the Interior to transfer to the town of Mills, Wyoming, a sewerage system located in such town.

September 23, 1950  
[S. 3136]  
[Public Law 832]

Mills, Wyo.  
Transfer of sewerage  
system.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is authorized and directed to transfer to the town of Mills, Wyoming, all right, title, and interest of the United States in and to the twelve-inch main sewer and Imhoff tank constructed by the United States in and adjacent to such town, together with any rights-of-way therefor acquired or held by the United States. Such transfer shall be made on condition that the United States shall have a perpetual right to use the sewerage system, and that the town shall operate and maintain such system in a manner which will permit such use by the United States, without charge or liability whatsoever against the United States by reason of the construction, operation, maintenance, or use of the sewerage system.

Approved September 25, 1950.

[CHAPTER 1026]

AN ACT

To amend the Act of May 28, 1926 (44 Stat. 670), entitled "An Act granting public lands to the county of Kern, California, for public park purposes".

September 25, 1950  
[S. 3706]  
[Public Law 833]

Kern County, Calif.  
Conveyance.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act approved May 28, 1926 (44 Stat. 670), entitled "An Act granting public lands to the county of Kern, California, for public park purposes", is hereby amended by adding thereto the following:

"Sec. 2. Notwithstanding anything in this Act to the contrary, the county of Kern, State of California, is hereby authorized to convey, for school and related uses, the said drilling sites numbered 9 and 10, comprising approximately four acres, to the Taft School Board of the county of Kern, subject, however, to the reservation to the United States, referred to in the first proviso in section 1, of all mineral deposits in the lands, together with the right to prospect for, mine, and remove the same."

Approved September 25, 1950.

Public Health.

42 USC 291J.

42 USC 291J.

Agriculture.  
7 USC 1115.

50 USC 793.

Subversive ac-  
tivities.  
50 USC 829.

50 USC 821.

mission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, or set aside such order, in whole or in part."

SEC. 27. (a) Paragraph (1) of subsection (b) of section 632 of the Act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"(b) (1) If the Surgeon General refuses to approve any application under section 625 or section 654, the State agency through which the application was submitted, or if any State is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State may appeal to the United States court of appeals for the circuit in which such State is located by filing with such court a notice of appeal. The jurisdiction of the court shall attach upon the filing of such notice. A copy of the notice of appeal shall be forthwith transmitted by the clerk of the court to the Surgeon General, or any officer designated by him for that purpose. The Surgeon General shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code."

(b) The first sentence of paragraph (2) of subsection (b) of section 632 of the Act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"(2) The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings."

SEC. 28. The fourth sentence of subsection (c) of section 205 of the Sugar Act of 1948 (61 Stat. 927), is amended to read as follows: "Within thirty days after the filing of said appeal the Secretary shall file with the court the record upon which the decision complained of was entered, as provided in section 2112 of title 28, United States Code, and a list of all interested persons to whom he has mailed or otherwise delivered a copy of said notice of appeal."

SEC. 29. The second and third sentences of subsection (a) of section 14 of the Internal Security Act of 1950 (64 Stat. 1001), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides."

SEC. 30. (a) Subsection (e) of section 110 of the Internal Security Act of 1950 (64 Stat. 1028), is amended to read as follows:

"(e) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

(b) The third and fifth sentences of subsection (e) of section 111 of the Internal Security Act of 1950 (64 Stat. 1028), are amended to read as follows: "The Board shall thereupon file in the court the record of the proceeding, as provided in section 2112 of title 28, United States Code."

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Approved For Release 2002/01/28 : CIA-RDP76M00527R000700150024-2  
cerning which judicial review is sought, as provided in section 2112 of title 28, United States Code. \* \* \* Upon the filing of such petition the court shall have jurisdiction of the proceeding, which upon the filing of the record with it shall be exclusive, and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board."

(c) The first sentence of subsection (d) of section 111 of the Internal Security Act of 1950 (60 Stat. 1029), is amended to read as follows:

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner, the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the record."

Sec. 31. (a) Section 6 of the Act of December 29, 1950 (64 Stat. 1130), is amended to read as follows:

"Sec. 6. Unless the proceeding has been terminated on a motion to dismiss the petition, the agency shall file in the office of the clerk of the court of appeals in which the proceeding is pending the record on review, as provided in section 2112 of title 28, United States Code."

(b) The second sentence of subsection (c) of section 7 of the Act of December 29, 1950 (64 Stat. 1131), is amended to read as follows: "The agency may modify its findings of fact, or make new findings, by reason of the additional evidence so taken and may modify or set aside its order and shall file in the court such additional evidence, such modified findings or new findings, and such modified order or the order setting aside the original order."

Sec. 32. Subsection (b) of section 207 of the Act of September 23, 1950, as amended (64 Stat. 974), is amended by adding at the end of that subsection three additional sentences reading as follows: "The local educational agency affected may file with the court a petition to review such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. Upon the filing of the petition the court shall have jurisdiction to affirm or set aside the action of the Commissioner in whole or in part."

Sec. 33. The fifth and sixth sentences of subsection (b) of section 207 of the International Claims Settlement Act of 1949, as amended (69 Stat. 564), are amended to read as follows: "Such petition for review must be filed within sixty days after the date of mailing of the final order of denial by said designee and a copy shall forthwith be transmitted to the said designee by the clerk of the court. Within forty-five days after receipt of such petition for review, or within such further time as the court may grant for good cause shown, said designee shall file an answer thereto, and shall file with the court the record of the proceedings with respect to such claim, as provided in section 2112 of title 28, United States Code."

Sec. 34. The second and third sentences of section 9 of the Bank Holding Company Act of 1956 (70 Stat. 138) are intended to read as follows: "A copy of such petition shall be forthwith transmitted to the Board by the clerk of the court, and thereupon the Board shall file in the court the record made before the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, or modify the order of the Board and to require the Board to take such action with regard to the matter under review as the court deems proper."

Sec. 35. This Act shall not be construed to repeal or modify any provision of the Administrative Procedure Act.

Approved August 28, 1958.

50 USC 821.

FCC, Agriculture, Maritime and  
AEC.  
5 USC 1036.

5 USC 1037.

HEW.  
20 USC 277.

Justice.

22 USC 1631f.

Federal Reserve.  
12 USC 1848.

60 Stat. 237.  
5 USC 1001 note.